

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Richard Franklin, et al.

v.

Case No. 10-cv-281-PB

Home Depot, U.S.A., Inc., et al.

O R D E R

This is a straightforward negligence case that plaintiff is unnecessarily complicating by presenting untenable legal theories based on the Consumer Protection Act, the doctrine of negligence per se and the law of nuisance. These claims are deficient for the reasons cited in the defendants' motion to dismiss.

Defendants' motions to dismiss (Doc. Nos. 13 and 14) are granted. The only remaining claim is Count 1.

SO ORDERED.

/s/Paul Barbadoro  
Paul Barbadoro  
United States District Judge

May 5, 2011

cc: Francis X. Quinn, Jr.  
Katherine Strickland, Esq.  
Christopher Duggan, Esq.  
Karyn P. Forbes, Esq.